

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RENITA A. JORDAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. No. 1:17-cv-01025
)	
ADMIRAL INSURANCE COMPANY and)	Judge: Donald C. Nugent
WESCO INSURANCE COMPANY,)	
)	
Defendants.)	
<hr style="border: 0.5px solid black;"/>		
WESCO INSURANCE COMPANY,)	
)	
Counter-Plaintiff,)	
)	
v.)	
)	
RENITA A. JORDAN,)	
)	
Counter-Defendant.)	
<hr style="border: 0.5px solid black;"/>		
WESCO INSURANCE COMPANY,)	
)	
Third Party Plaintiff,)	
)	
v.)	
)	
PAUL M. KAUFMAN,)	
)	
Third Party Defendant.)	

**SUPPLEMENTAL EXHIBIT IN SUPPORT OF THIRD PARTY PLAINTIFF WESCO
INSURANCE COMPANY'S MOTION FOR ENTRY OF DEFAULT JUDGMENT ON
ITS THIRD PARTY COMPLAINT AGAINST PAUL M. KAUFMAN**

NOW COMES Third Party Plaintiff, Wesco Insurance Company ("Wesco"), by and through counsel of record, in support of Wesco Insurance Company's Motion for Entry of Default Judgment on its Third Party Complaint, submits the following:

1. Declaration of Rostyslaw J. Smyk with Exhibit A and B.

Respectfully submitted,

/s/ Michelle J. Sheehan

Michelle J. Sheehan, Esq. (0062548)

Reminger Co., L.P.A.

101 West Prospect Avenue

Suite 1400

Cleveland, Ohio 44115-1093

Tel. 216-687-1311

MSheehan@reminger.com

Of Counsel:

Rostyslaw J. Smyk, Esq. (admitted *pro hac vice*)

Thomas D. Donofrio, Esq. (admitted *pro hac vice*)

Ruberry, Stalmack & Garvey, LLC

10 South LaSalle Street

Suite 1800

Chicago, Illinois 60603

Tel. 312-466-8050

ross.smyk@ruberry-law.com

thomas.donofrio@ruberry-law.com

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2018, I electronically filed the foregoing motion using the ECF system, which will send notification of such filing to all parties of record. I further certify that I caused the foregoing to be served via first-class United States mail upon:

Paul M. Kaufman

Inmate No. A692837

Richland Correctional Institute

1001 Olvesburg Road

Mansfield, Ohio 44905

/s/ Michelle J. Sheehan

Michelle J. Sheehan, Esq. (0062548)

Attorney for Third Party Plaintiff

Wesco Insurance Company

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RENITA A. JORDAN,

Plaintiff,

v.

ADMIRAL INSURANCE COMPANY and
WESCO INSURANCE COMPANY,

Defendants.

Case No. No. 1:17-cv-01025

Judge: Donald C. Nugent

WESCO INSURANCE COMPANY,

Counter-Plaintiff,

v.

RENITA A. JORDAN,

Counter-Defendant.

WESCO INSURANCE COMPANY,

Third Party Plaintiff,

v.

PAUL M. KAUFMAN,

Third Party Defendant.

**DECLARATION OF ROSTYSLAW J. SMYK
IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT**

ROSTYSLAW J. SMYK declares and states as follows:

1. I am an attorney and partner with the law firm of Ruberry, Stalmack & Garvey, LLC in Chicago, Illinois.

2. I have been admitted to participate in this action *pro hac vice* on behalf of Defendant/Counter-Plaintiff/Third-Party Plaintiff Wesco Insurance Company ("Wesco").

3. I submit this Declaration in support of Wesco's Motion for Default Judgment against Third-Party Defendant Paul M. Kaufman ("Kaufman").

4. On June 1, 2018, I sent a letter to Kaufman by certified mail—return receipt requested enclosing a copy of Wesco's Motion for Default Judgment, the Memorandum in Support, and the Court's order setting the hearing on the Motion for Default judgment on June 26, 2018. A copy of that letter is attached as Exhibit A.

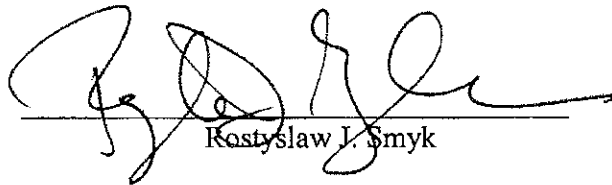
5. On June 18, 2018, I received the certified mail receipt showing delivery of the letter on June 6, 2018. The letter was signed for by D. Dumas. A copy of the certified mail receipt is Attached as Exhibit B.

6. As of the date of this Declaration, I have received no response from Kaufman to my letter or to the Motion for Default Judgment.

I declare under penalty of perjury that the foregoing is true and correct.

Date:

6/25/18



Kostyslaw J. Smyk

RUBERRY

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ROSTYSLAW J. SMYK
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ross.smyk@ruberry-law.com

June 1, 2016

**Via First-Class and
Certified Mail, Return Receipt Requested**

Paul M. Kaufman
Inmate No. A692837
Richland Correctional Institute
1001 Olivesburg Road
Mansfield, Ohio 44905

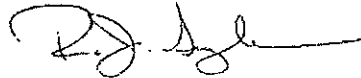
RE: *Jordan v. Wesco Insurance Company v. Kaufman*
Case No.: 1:17-cv-01025 (U.S. Dist. Ct., Northern District of Ohio)
Our File No.: 05150-015-RENI

Dear Mr. Kaufman:

As you know, this firm, along with the Reminger law firm, represents Third-Party Plaintiff Wesco Insurance Company in connection with the above-referenced matter. As you also know, Wesco has filed a Third-Party Complaint against you seeking a declaration that it is under no obligation to indemnify you for the judgment entered in favor of Renita Jordan and against you in the Court of Common Pleas of Cuyahoga County, Ohio. Based upon your failure to file an answer to Wesco's Third-Party Complaint, a Clerk's Default was entered against you on August 2, 2017. Subsequently, Wesco filed its Motion for Default Judgment pursuant to Fed. R. Civ. P. 55(b), a copy of which has already been served upon you. We enclose a second copy of Wesco's Motion for Entry of Default Judgment on its Third Party Complaint, the Memorandum of Points and Authorities in support thereof, and the exhibit thereto for your ease of reference.

We also enclose a print out of Judge Nugent's order setting a default hearing for June 26, 2018. If you do not file an appearance in this matter prior to the June 26, 2018 default hearing and/or otherwise move to vacate the Clerk's Default that has been entered against you, an order may be entered impacting your interests. If you do intend upon appearing, making any motion, and/or opposing Wesco's Motion for Entry of Default Judgment, please so advise so that we may properly inform the Court of your intentions. Thank you for your attention to this matter.

Very truly yours,

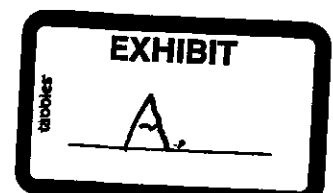



Rostyslaw J. Smyk

RJS/

Enclosures

cc: Michelle J. Sheehan, Esq. (Via E-mail w/o enclosures)



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>D. Davis</u> C. Date of Delivery <u>6-13</u></p>	
<p>1. Article Addressed to:</p> <p>Paul M. Kaufman Inmate No. A692837 Richland Correctional Institute 1001 Olivesburg Road Mansfield, Ohio 44905</p>  <p>9590 9402 3840 8032 4849 27</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7016 0360 0000 0916 5101</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

EXHIBIT

B.